

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:16-cv-282**

**DLL FINANCE LLC formerly known as)
Agriecredit Acceptance LLC,)**

Plaintiff,)

vs.)

**BRIGHT’S CREEK GOLF CLUB, LLC,)
ALIANZA TRINITY HOLDINGS LLC)
And MARC RUDOW as receiver of the)
Assets of Bright’s Creek Golf Club, LLC,)**

Defendants.)

ORDER

THIS MATTER is before the Court *sua sponte* to ascertain subject matter jurisdiction. In the Complaint (#1), Plaintiff alleges there is subject matter jurisdiction in this matter, pursuant to 28 U.S.C. § 1332(a) because there is diversity of citizenship among the parties and the matter in controversy exceeds \$75,000. The Plaintiff further alleges that the Plaintiff is a Delaware limited liability company and the Defendant Bright’s Creek Golf Club, LLC is a North Carolina limited liability company and Alianza Trinity Holdings LLC is a Florida limited liability company.

Courts have an affirmative duty to question subject matter jurisdiction even when the parties have not done so. Interstate Petroleum Corp. v. Morgan, 249 F.3d 215 (4th Cir. 2001); Plyer v. Moore, 129 F.3d 728, 732 n.6 (4th Cir. 1997), *certiorari denied* 524 U.S. 945, 118 S.Ct. 2359, 141 L.Ed.2d 727 (1998); 28 U.S.C. §1447(c) (“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”). A limited liability company is a citizen of all states in which its constituent members are citizens. Carden v. Arkoma Associates, 494 U.S. 185, 110 S.Ct. 1015, 108 L.Ed.2d 157 (1990). The Plaintiff has alleged in the Plaintiff’s Complaint by information and belief, the various citizenships of Defendants. However, both the Plaintiff and Defendants will now be required to disclose the citizenships of their constituent members or partners.

ORDER

IT IS, THEREFORE, ORDERED that on or before **March 3, 2017**, the Plaintiff and Defendants shall file a response disclosing the names and citizenships, if any, of all the constituent members or partners of the above referenced LLC’s and for any such constituent members or partners that are limited liability companies or partnerships to identify the citizenships of the respective constituent members or partners until all such constituents are fully identified.

Signed: February 10, 2017

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

